THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.7 of 2006

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Dated:03.01.2006

Between:

R.Vijayalakshmi, w/o R.B.V.Krishnam Raju,
r/o D.No.15-13-5, M.M.T.C.Colony, Visakhapatnam.

..... PETITIONER

AND

The District Collector, Visakhapatnam, Visakhapatnam District, and

others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.7 of 2006

ORDER:

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The land admeasuring Ac.7.90 cents in Survey Nos.130/5 and 130/6 of Madhurawada Village, Visakhapatnam District, was assigned to one Pudipeddi Sundara Ramayya, who was a political sufferer and a freedom fighter, in 1982. In 1994, the petitioner purchased an extent of Ac.2.90 cents from the assignee under an agreement of sale and raised Mango, Cashew and Acacia trees. The petitioner statedly got sale deeds executed in February 1999, fenced the land and appointed caretakers. The petitioner also states that she obtained pattadar passbooks.

It appears, on 28.12.2005, the revenue authorities highhandedly entered the premises and demolished the structures in respect of the properties adjacent to the petitioner's property. Apprehending that the revenue authorities might dispossess the petitioner without due process of law, the present writ petition is filed.

Initially the matter was heard before the lunch recess. The matter was passed over to enable the learned Standing Counsel for the Visakhapatnam Urban Development Authority (VUDA), and the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. After lunch recess, both the learned Counsel appearing for the contesting respondents deny the allegation that the officials of the revenue or VUDA have gone to the petitioner's premises/land and tried to dispossess the same. The same is recorded. Further, this Court observes that even if the purchase made by the petitioner from the assignee is in contravention of any law, the petitioner can be dispossessed only after following due process of law, and till then, the petitioner cannot be deprived of the right to enjoy the property.

The Writ Petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO, J)

03.01.2006

Note: Issue C.C by 05.01.2006.

B/o.

vs